

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT WALKER, on behalf of
himself and all others similarly
situated,

Plaintiff,

V.

NAUTILUS, INC.,

Defendant.

[illegible]

Case No. 2:20-cv-3414

Judge Edmund A. Sargus Jr.

Magistrate Judge Elizabeth A. Preston

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**PLAINTIFF'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF UNOPPOSED
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Robert Walker, on behalf of himself and the Settlement Class¹ (collectively, “Plaintiffs”), submits this supplemental memorandum in compliance with this Court’s Preliminary Approval Order (Doc. 41). That Order required in part:

- 1) Class Counsel file an affidavit or declaration, no later than 14 days prior to the Fairness Hearing, demonstrating that all notice has been administered in a fashion consistent with CAFA, the Preliminary Approval Order, and the Settlement Agreement;
- 2) The Settlement Administrator, no later than 14 days prior the Fairness Hearing, provide GoToMeeting information to all Class Members who wish to attend the Fairness Hearing; and
- 3) Class Counsel, no later than 7 days prior to the Fairness Hearing, respond to objections.

Preliminary Approval Order (Doc. 41). The final Fairness Hearing is scheduled for June 21, 2022 at 10 a.m., and will be held via GoToMeeting.

¹ Capitalized terms not defined herein are as stated in the Class Action Settlement Agreement and Release (“Agreement”) dated November 5, 2021 (Doc. 39-2).

Notice Administration

Class Counsel previously submitted, in conjunction with its motion for final approval, a Declaration of Settlement Administrator (Doc. 50-3) that fulfilled the requirement of demonstrating that notice was administered in a fashion consistent with CAFA, the Preliminary Approval Order, and the Settlement Agreement. Class Counsel attach a Supplemental Declaration of Settlement Administrator providing an update and further demonstrating compliance with notice requirements.

Hearing Information

Class Counsel have received the GoToMeeting information for the hearing on June 21, 2022 and proposed language to the Court to be placed on the Settlement Website that would allow Class Members who wish to attend the Fairness Hearing to obtain connection information from the Settlement Administrator. Once the proposed language is approved, the Settlement Website will be updated.

Response to Objectors

The deadline for objections was April 1, 2022. No objections were filed or received, so no response is necessary. The lack of objections is a strong indicator of the fairness, reasonableness, and adequacy of the Settlement. *See In re Big Lots, Inc. S'holder Litig.*, No. 2:12-CV-445, 2018 WL 11356561, at *3 (S.D. Ohio Aug. 28, 2018); *Higgs v. Warranty Grp.*, No. 2:02-CV-1092, 2009 WL 971477, at *5 (S.D. Ohio Feb. 5, 2009).

Claims

The attached Supplemental Declaration of Settlement Administrator also notes that the current claims approach 17,000, which is a claims rate of a little over 10% of the estimated class size.

The above information provides additional support for a finding that the proposed Settlement is fair, adequate, and reasonable.

Respectfully submitted,

/s/ W.B. Markovits

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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2022 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ W.B. Markovits
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